



## FISCAL MEMORANDUM

### SB 267 - HB 315

March 6, 2023

**SUMMARY OF BILL AS AMENDED (005033):** Reduces, from 828 to 804, the allowable number of beds in private for-profit and private not-for-profit intermediate care facilities for persons with intellectual disabilities (ICF/IID), upon the voluntary surrender by the certificate of need (CON) providers. Requires the total number of ICF/IDD beds to be at least 696, absent a reduction in the occupancy rate to 80 percent or less of the statewide available occupancy as determined annually by the Comptroller of the Treasury.

Establishes that an available private ICF/IID bed may be filled only upon completion of a community-informed choice process (CICP) established and administered by the Department of Intellectual and Developmental Disabilities (DIDD). Requires the DIDD to demonstrate a commitment to ensuring the individual's freedom of choice and ensure that each eligible service recipient is fully informed of all services available to the recipient, including community ICF/IID facilities and the specialized services the facilities provide. Permanently reduces the total number of private for-profit and not-for-profit ICF/IID beds upon voluntary surrender of a CON for the specified number of ICF/IID beds by the owner.

### FISCAL IMPACT OF BILL AS AMENDED:

#### NOT SIGNIFICANT

Assumptions for the bill as amended:

- According to information provided by DIDD, the proposed legislation would limit the allowable number of ICF/IID beds to the number currently licensed in the state. Therefore, no estimated change in tax revenue collected from ICF/IID facilities pursuant to Tenn. Code Ann. § 68-11-830(d)(2), or expenditures made by the Division of TennCare.
- To the extent that the number of ICF/IID beds is permanently reduced following the voluntary surrender of a CON there will likely be a decrease in state revenue; however, the timing and extent of any voluntary surrenders cannot be reasonably determined.
- The DIDD can establish and administer the CICP process within existing personnel and resources.
- Based on information from the Health Facilities Commission, the provisions of the proposed legislation can be accommodated within existing resources.
- Any fiscal impact to state or local government is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

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